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RECEIVED

December 31, 2008

DEC 31 2008

PUBLIC SERVICE
COMMISSION

Ms. Stephanie Stumbo
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602

Re: SouthEast Telephone, Inc., Complainant v. BellSouth
Telecommunications, Inc. d/b/a AT&T Kentucky, Defendant
KSPC 2008-00279

Dear Ms. Stumbo:

Enclosed for filing in this case are BellSouth Telecommunications, Inc.,'s, d/b/a AT&T Kentucky ("AT&T Kentucky"), Responses to the Commission's Data Requests set out in Appendix B of the Commission's December 11, 2008, Order.

Portions of the responses, specifically the responses to Items 3 and 4, contain confidential information. Pursuant to 807 KAR 5:001, § 7, AT&T Kentucky files its Petition for Confidentiality requesting the Commission grant confidential status to the information highlighted in AT&T Kentucky's responses. One copy of the proprietary information is provided for filing. The original and five (5) copies of the edited version of the responses are filed. The proprietary information is provided to SouthEast.

Please contact me if you have any questions.

Sincerely,


for Mary K. Keyer
General Counsel/Kentucky

cc: Parties of Record

Enclosures

726955

EDITED

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)
)
)
SOUTHEAST TELPHONE, INC.)
)
Complainant)
)
v.) Case No.:
) 2008-00279
)
BELLSOUTH TELECOMMUNICATIONS, INC.)
D/B/A AT&T KENTUCKY)
Defendant)

BELLSOUTH TELECOMMUNICATIONS, INC.'S
PETITION FOR CONFIDENTIALITY

Petitioner, BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky ("AT&T Kentucky"), by counsel, hereby moves the Public Service Commission of the Commonwealth of Kentucky (the "Commission"), pursuant to KRS 61.878 and 807 KAR 5:001, § 7, to classify as confidential the highlighted information contained in AT&T Kentucky's Responses to the Commission's Data Request set out in Appendix B to the Commission's December 11, 2008, Order in this case, specifically Items 3 and 4a-c. The material that is highlighted contains information that is customer proprietary information or information specific to SouthEast Telephone, Inc. (SouthEast Telephone), in the conduct of its business with AT&T Kentucky.

The Kentucky Open Records Act exempts certain information from the public disclosure requirements of the Act, including certain commercial information, and also

information the disclosure of which is prohibited by federal law or regulation. KRS 61.878(1)(c)1 and 61.878(1)(k).

To qualify for the commercial information exemption and, therefore, keep the information confidential, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors and the parties seeking confidentiality if openly discussed. KRS 61.878(1)(c)1; 807 KAR 5:001 § 7. The Commission has taken the position that the statute and rules require the party to demonstrate actual competition and the likelihood of competitive injury if the information is disclosed.

All of the information for which AT&T Kentucky seeks confidentiality in this petition contains customer-specific information. AT&T Kentucky's Response to Item 3 provides the price SouthEast Telephone is currently charged for commingled Section 271 port (unbundled exchange port) and Section 251 loop (unbundled copper loop non-designed) elements. The Responses to Items 4a-c include the number of wholesale loop port combination orders, the date of the orders and the individual prices charged by AT&T Kentucky for the orders. All of this information is specific to SouthEast Telephone in the conduct of its business with AT&T Kentucky.

The information provided is considered confidential business information related to the competitive interests of SouthEast Telephone that is proprietary and confidential to SouthEast Telephone. These documents are not publicly available and disclosure of this data would impair the competitive business and cause harm to SouthEast Telephone. Public disclosure of the identified information would provide competitors, namely other CLECs, with an unfair competitive advantage.

In addition, the information provided to the Commission and discussed herein is customer proprietary network information ("CPNI") and should not be publicly disclosed without the approval of the individual customer, in this case SouthEast. Disclosure of customer-specific information is subject to obligations under Section 222 of the Communications Act of 1937 as amended by the Telecommunications Act of 1996. Federal law imposes the obligation to maintain the confidentiality of such information from public disclosure when the disclosure of such information or records is prohibited by federal law or regulation. Therefore, because CPNI is protected from disclosure by federal law, this information should be afforded proprietary treatment.

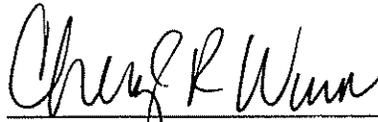
The Commission should also grant confidential treatment to the information for the following reasons:

- (1) The information for which AT&T Kentucky is requesting confidential treatment is not known outside of AT&T Kentucky;
- (2) The information is not disseminated within AT&T Kentucky and is known only by those of AT&T Kentucky's employees who have a legitimate business need to know and act upon the information;
- (3) AT&T Kentucky seeks to preserve the confidentiality of this information through appropriate means, including the maintenance of appropriate security at its offices; and
- (4) By granting AT&T Kentucky's petition, there would be no damage to any public interest.

For the reasons stated herein and in its Order dated March 31, 2006, in Case No. 2005-00533, SouthEast Telephone, Inc., v. BellSouth Telecommunications, Inc., the

– Commission should grant AT&T Kentucky's request for confidential treatment of the identified information.

Respectfully submitted,



for

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COUNSEL FOR BELLSOUTH
TELECOMMUNICATIONS, INC.,
D/B/A AT&T KENTUCKY

726445

CERTIFICATE OF SERVICE KPSC 2008-00279

It is hereby certified that a true and correct copy of the foregoing was served on the following individuals via U.S. Mail this 31st day of December 2008.

Deborah T. Eversole
Douglas F. Brent
Stoll Keenon Ogden PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202
Deborah.eversole@skofirm.com
Douglas.brent@skofirm.com

Bethany Bowersock
SouthEast Telephone, Inc.
106 Power Drive
P.O. Box 1001
Pikeville, KY 41502-1001
Beth.bowersock@setel.com


for Mary K. Keyer

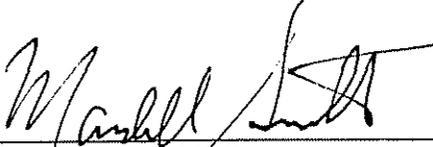
CERTIFICATION

STATE OF New Jersey

COUNTY OF Somerset

Before me, the undersigned authority, duly commissioned and qualified in and for the State and County aforesaid, personally came and appeared Marshall Smith, who, being by me first duly sworn, deposed and said that:

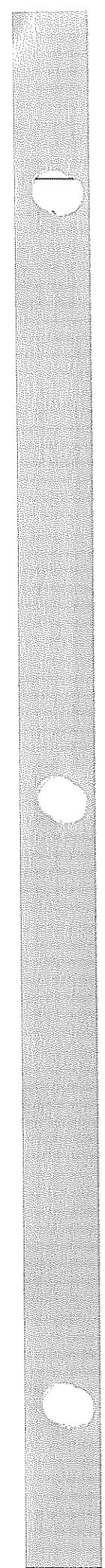
On behalf of AT&T Kentucky, he supervised the preparation of AT&T Kentucky's Responses to the Commission Data Requests to AT&T Kentucky dated December 11, 2008, in Kentucky Public Service Commission Case No. 2008-00279, *SouthEast Telephone, Inc., Complainant v. BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky*. He certifies that the Responses are true and accurate to the best of his knowledge, information, and belief formed after a reasonable inquiry.


MARSHALL SMITH

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 25th DAY OF DECEMBER, 2008

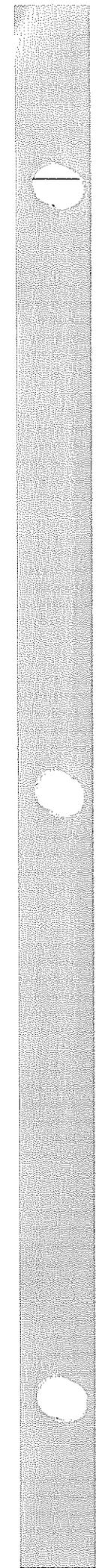
Pamela A. Smith
Notary Public

My Commission Expires: **PAMELA A. SMITH**
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 29, 2011



REQUEST: As of the date of this Order, does AT&T Kentucky allow SouthEast to order Section 271 port (unbundled exchange port) and Section 251 loop (unbundled copper loop non-designed) elements from AT&T Kentucky on a commingled basis, as set forth in the complaint?

RESPONSE: Yes. AT&T Kentucky has developed a process by which SouthEast may order a Section 271 wholesale local switch port commingled with a Section 251 unbundled copper loop non-designed. Since an unbundled copper loop non-designed (UCL-ND) is not available at every location where SouthEast is providing a service, it was necessary to develop a process to identify those locations that do have a UCL-ND.



REQUEST: If yes, what is the date that AT&T Kentucky began allowing SouthEast to make these types of orders?

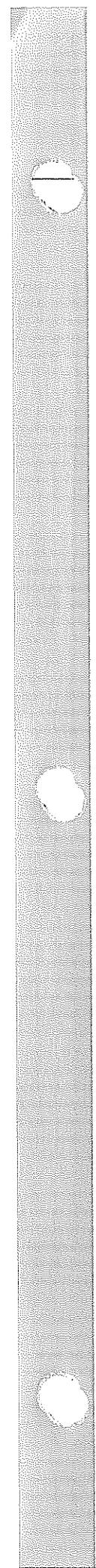
RESPONSE: The process referred to in response to Data Request No. 1 was put into place as of December 1, 2008.

As background, on June 16, 2008, SouthEast submitted an order for what it claimed was a commingled unbundled copper loop non-designed (UCL-ND) from its Interconnection Agreement and a switch port from its Commercial Agreement. AT&T Kentucky could not provision this order as requested, however, because (1) the order was not for a UCL-ND but instead was for subloop distribution and a wholesale local platform (WLP), and (2) AT&T Kentucky had no process in place to implement, provision, and bill for such an order since no Competitive Local Exchange Carrier (CLEC) had requested this type of combination prior to SouthEast's request. Initially, there was some confusion as to what SouthEast was trying to order. Once the confusion was cleared up, the order could not be fulfilled because the location at which SouthEast was requesting the commingled arrangement did not have a UCL-ND available.

During the Informal Conference held on September 11, 2008, AT&T Kentucky explained that this was the first request by a CLEC for such a commingled arrangement and that implementing the ordering, provisioning and billing requirements for the requested commingled arrangement would take considerable development time and resources. Despite this, AT&T Kentucky indicated its willingness to establish a near-term solution for SouthEast. AT&T Kentucky estimated it would take approximately eight weeks to determine and implement.

RESPONSE (Continued):

On November 6, 2008, AT&T Kentucky met with SouthEast and laid out this solution and stated that it would be available for orders starting December 1, 2008. New orders placed after December 1, 2008 will be reviewed to ensure they qualify as UCL-ND. For those orders that qualify, SouthEast will receive credits in January 2009 to effectuate a commingled Section 251 UCL-ND and a Section 271 wholesale local switch port. SouthEast has not yet placed any orders to convert any of its embedded base of wholesale local platform ("WLP") lines as SouthEast has chosen to evaluate each of its embedded base of lines before submitting orders to change circuits from WLP to a commingled Section 251 UCL-ND UNE and Section 271 Switch Port.



REQUEST: As of the date of this Order, what price is SouthEast currently charged for commingled Section 271 port (unbundled exchange port) and Section 251 loop (unbundled copper loop non-designed) elements from AT&T Kentucky?

RESPONSE: It remains AT&T Kentucky's position that the Commission has no jurisdiction over the parties' Commercial Agreement nor any authority to enforce 47 U.S.C. § 271, and AT&T Kentucky's response to this request shall not be construed as any waiver of AT&T Kentucky's position. Notwithstanding the foregoing, in accordance with the Interconnection Agreement and Commercial Agreement entered into between AT&T Kentucky and SouthEast, the following charges are applicable for a commingled 271 port (unbundled exchange port) and Section 251 loop (unbundled copper loop non-designed) elements:

Monthly Recurring Charges:

- Section 271 Standalone Port; 2-Wire Analog Line Port
 - Residence: _____
 - Business: _____
- Section 251 Loop; Unbundled Copper Loop Non-Designed (Loop rates are based on Zone):
 - Zone 1 Rate: \$10.58
 - Zone 2 Rate: \$11.51
 - Zone 3 Rate: \$13.19

Nonrecurring Charges:

- Section 271 Port; 2-Wire Analog Line Port:
 - Residence
 - First: _____
 - Additional: _____
 - Business
 - First: _____
 - Additional: _____

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RESPONSE (Continued):

Nonrecurring Charges (Cont'd):

- Section 251 Loop; Unbundled Copper Loop Non-Designed:
 - First: \$44.97
 - Additional: \$20.89
 - Disconnect - First: \$25.64
 - Disconnect – Additional: \$6.65

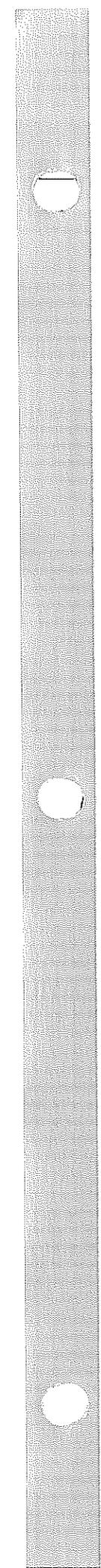
Usage Charges:

Usage for use of switching and transport that is generated from the 2-Wire Analog Line Port is also charged at the following minute of use rates:

- End Office Switching Function: _____
- End Office Trunk Port – Shared: _____
- Tandem Switching Function: _____
- Tandem Trunk Port – Shared: _____
- Common Transport – Per Mile: _____
- Common Transport – Facilities Termination: _____

Additional ancillary charges may apply if ordered. These may include but may not be limited to charges for Operator and Directory Assistance Services, Listings, Daily Usage Files, AIN vertical features, Voicemail services, loop make-up charges and ordering charges.

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REQUEST: Beginning on December 12, 2007 through the date provided in the answer to Question 2, provide the following information:

- a. The total number of orders made by SouthEast to AT&T Kentucky for a wholesale loop port combination
- b. The date on which each of those orders was made.
- c. The individual prices charged by AT&T Kentucky to SouthEast for a wholesale loop port combination.

RESPONSE: a. See attached Exhibit 1.

Note: Quantities in 4a represent only new circuits ordered.

- b. See attached Exhibit 1.
- c. It remains AT&T Kentucky's position that the Commission has no jurisdiction over the parties' Commercial Agreement nor any authority to enforce 47 U.S.C. § 271, and AT&T Kentucky's response to this request shall not be construed as any waiver of AT&T Kentucky's position. Notwithstanding the foregoing, the individual prices charged by AT&T Kentucky to SouthEast for a new wholesale loop port combination are those agreed to in the Parties' Commercial Agreement and include the following:

Monthly Recurring Charges:

- Wholesale Local Platform:
 - Port; 2-Wire Analog Line Port
 - Residence: _____
 - Business: _____
 - 2-Wire Analog Voice Grade Loop (Loop rates are based on Zone):
 - Zone 1 Rate: _____
 - Zone 2 Rate: _____
 - Zone 3 Rate: _____

RESPONSE (Continued):

Nonrecurring Charges:

- Wholesale Local Platform – Residence:
 - First: _____
 - Additional: _____
- Wholesale Local Platform – Business:
 - First: _____
 - Additional: _____

Usage Charges:

Usage for use of switching and transport that is generated from the Wholesale Local Platform line is also charged at the following minute of use rates:

- End Office Switching Function: _____
- End Office Trunk Port – Shared: _____
- Tandem Switching Function: _____
- Tandem Trunk Port – Shared: _____
- Common Transport – Per Mile: _____
- Common Transport – Facilities Termination: _____

Additional ancillary charges may apply if ordered. These may include but may not be limited to charges for Operator and Directory Assistance Services, Listings, Daily Usage Files, AIN vertical features, Voicemail services, loop make-up charges and ordering charges.

COMPLETION DATE 4b	Residence Orders (UEPRX)	Business Orders (UEPBX)	Total Orders 4a
12/12/2007			
12/13/2007			
12/14/2007			
12/15/2007			
12/17/2007			
12/18/2007			
12/19/2007			
12/20/2007			
12/21/2007			
12/22/2007			
12/24/2007			
12/26/2007			
12/27/2007			
12/28/2007			
12/29/2007			
12/31/2007			
1/1/2008			
1/2/2008			
1/3/2008			
1/4/2008			
1/5/2008			
1/7/2008			
1/8/2008			
1/9/2008			
1/10/2008			
1/11/2008			
1/12/2008			
1/14/2008			
1/15/2008			
1/16/2008			
1/17/2008			
1/18/2008			
1/19/2008			
1/21/2008			
1/22/2008			
1/23/2008			
1/24/2008			
1/25/2008			
1/26/2008			
1/28/2008			
1/29/2008			
1/30/2008			
1/31/2008			
2/1/2008			
2/2/2008			
2/4/2008			

COMPLETION DATE 4b	Residence Orders (UEPRX)	Business Orders (UEPBX)	Total Orders 4a
2/5/2008			
2/6/2008			
2/7/2008			
2/8/2008			
2/9/2008			
2/11/2008			
2/12/2008			
2/13/2008			
2/14/2008			
2/15/2008			
2/16/2008			
2/18/2008			
2/19/2008			
2/20/2008			
2/21/2008			
2/22/2008			
2/23/2008			
2/25/2008			
2/26/2008			
2/27/2008			
2/28/2008			
2/29/2008			
3/1/2008			
3/3/2008			
3/4/2008			
3/5/2008			
3/6/2008			
3/7/2008			
3/8/2008			
3/10/2008			
3/11/2008			
3/12/2008			
3/13/2008			
3/14/2008			
3/15/2008			
3/17/2008			
3/18/2008			
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3/29/2008			

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COMPLETION DATE 4b	Residence Orders (UEPRX)	Business Orders (UEPBX)	Total Orders 4a
3/31/2008			
4/1/2008			
4/2/2008			
4/3/2008			
4/4/2008			
4/5/2008			
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4/10/2008			
4/11/2008			
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5/20/2008			
5/21/2008			
5/22/2008			

COMPLETION DATE 4b	Residence Orders (UEPRX)	Business Orders (UEPBX)	Total Orders 4a
5/23/2008			
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5/31/2008			
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7/16/2008			
7/17/2008			

COMPLETION DATE 4b	Residence Orders (UEPRX)	Business Orders (UEPBX)	Total Orders 4a
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9/9/2008			
9/10/2008			

COMPLETION DATE 4b	Residence Orders (UEPRX)	Business Orders (UEPBX)	Total Orders 4a
9/11/2008			
9/12/2008			
9/13/2008			
9/15/2008			
9/16/2008			
9/17/2008			
9/18/2008			
9/19/2008			
9/20/2008			
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9/23/2008			
9/24/2008			
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10/31/2008			
11/1/2008			
11/3/2008			

COMPLETION DATE 4b	Residence Orders (UEPRX)	Business Orders (UEPBX)	Total Orders 4a
11/4/2008			
11/5/2008			
11/6/2008			
11/7/2008			
11/8/2008			
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Total			